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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OPPERMAN, et al.,

Plaintiff,

v.

PATH, INC., et al.

Defendants.

CASE NO.: 13-CV-00453-JST

CLASS ACTION

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
CASE SCHEDULING**

Hernandez v. Path, Inc., No. 12-cv-1515-JST
Pirozzi v. Apple Inc., No. 12-cv-1529-JST
(collectively, the “Related Actions”)

1 TO THE COURT, ALL PARTIES AND ATTORNEYS OF RECORD:

2 Plaintiffs and Defendant Gowalla, Inc. (“Gowalla”) (collectively the “Parties”) hereby
3 stipulate to the following partial stay in this case, and respectfully request that the Court issue the
4 requested scheduling order.

5 The Ninth Circuit is currently considering Defendant Apple Inc.’s Petition for Permission to
6 Appeal pursuant to Fed. R. Civ. P 23(f), filed on July 29, 2016. The issues in that Petition may
7 have a material impact on the outcome of a motion for class certification against Gowalla. In the
8 interests of judicial economy, the Parties have agreed to postpone the current briefing and hearing
9 schedule with respect to Plaintiffs’ motion for class certification against Gowalla, set forth in ECF
10 number 789.

11 Gowalla and Plaintiffs are presently engaged in bilateral settlement discussions and intend
12 to continue those discussions. The Parties have also agreed to engage in joint mediation in an
13 attempt to settle this matter, in which Gowalla will participate if bilateral settlement discussions
14 have not succeeded. To allow the Parties to focus on the success of settlement discussions, the
15 Parties have agreed that all current deadlines in this action should be vacated, and all fact discovery
16 stayed.

17 In place of those deadlines, the Parties propose that a joint management statement be filed
18 within 14 days of the Ninth Circuit’s response to Apple’s Petition proposing a revised schedule that
19 allows sufficient time for the Parties to complete their mediation and settlement discussions. The
20 Parties further propose that in no event shall Gowalla have less than 30 days from the revised
21 scheduling order to oppose Plaintiffs’ motion for class certification and in no event shall the Parties
22 have less than three months from the revised scheduling order to complete fact discovery.

23 Respectfully submitted,

24 Dated: September 22, 2016

/s/ Michael von Loewenfeldt

Michael von Loewenfeldt

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Frank Busch

Daniel J. Veroff

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Plaintiffs' Steering Committee

Dated: September 22, 2016

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ATTESTATION

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: September 22, 2016

KERR & WAGSTAFFE LLP

By: /s/ Daniel J. Veroff
Daniel J. Veroff

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[PROPOSED] ORDER


The Stipulation between Plaintiffs and Gowalla is GRANTED as follows:

The current scheduling order is vacated.

Plaintiffs and Gowalla will submit a case management statement within 14 days of the Ninth Circuit's response to Apple's Petition that complies with their stipulation set forth above.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 22, 2016

By: 
HON. JON S. TIGAR
United States District Judge